

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELAINE MAYERS,

Plaintiff,

-against-

MARRIOTT INTERNATIONAL, INC and
LUXURY HOTELS INTERNATIONAL
MANAGEMENT OF ARUBA N.V. d/b/a
MARRIOTT RESORT AND STELLARS CASINO

Defendants.
-----X

09 Civ. 4017 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

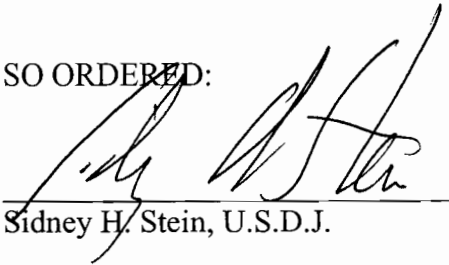
By Order dated November 13, 2009 this Court granted the motion of defendant Luxury Hotels International Management of Aruba N.V. d/b/a Marriott Resort and Stellars Casino to dismiss the complaint with respect to it pursuant to Fed. R. Civ. P. 12(b)(2). Because plaintiff Elaine Mayers has now represented that her current intention is to pursue this action against the remaining defendant, Marriott International (Ltr. from Michael E. Sande to Hon. Sidney H. Stein dated Nov. 17, 2009), and because the complaint at present appears to allege no basis for imposing liability on Marriott International, IT IS HEREBY ORDERED THAT:

1. If plaintiff does intend to pursue this action, she is to file an amended complaint alleging a basis for imposing liability on Marriott International on or before December 8, 2009.
2. Any motion to dismiss by Marriott International should be made against the amended complaint and filed on or before January 8, 2010. Opposition papers must be filed on or before January 22, 2010, and reply papers must be filed on or before January 29, 2010.

3. The briefing schedule set forth in the Court's November 13 order is vacated.

Dated: New York, New York
November 23, 2009

SO ORDERED:



A handwritten signature in black ink, appearing to read 'S. H. Stein', is written over a horizontal line.

Sidney H. Stein, U.S.D.J.